

**Federal Defenders
OF NEW YORK, INC.**

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October 5, 2023

BY ECF

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

**Re: United States v. Michael D'Angelo
23 Cr. 327 (PGG)**

Dear Judge Gardephe:

I write on behalf of Michael D'Angelo in the above-captioned matter to respectfully request that his appearance at the October 12, 2023 status conference be waived.

On September 20, 2023, the Court granted Mr. D'Angelo's request for a three-week extension of the pretrial motions filing deadline. Motions are now due October 16, 2023. Dkt. 13. The Court also ordered a status conference on October 12, 2023 at 4:00 PM at which time defense counsel must be prepared to discuss what motions will be filed, and the Court will set a briefing schedule. *Id.*

I have discussed with Mr. D'Angelo the pretrial motions the defense intends to file in this case. Given the agenda for the October 12 conference and because he is currently incarcerated at the MDC, Mr. D'Angelo respectfully waives his presence at the proceeding for two reasons. *First*, Mr. D'Angelo's visiting day at the MDC is October 12. He only receives one visiting day per month and he would like to spend time with his family in person in October. *Second*, it is burdensome for Mr. D'Angelo to be transported from the MDC to the courthouse for a short, non-substantive conference. This is especially so given the hour of the conference—in his experience, Mr. D'Angelo will not return to the MDC until after his unit has already locked down for the day, leaving him without the opportunity to shower or talk to loved ones by phone or email.

For these reasons, Mr. D'Angelo respectfully waives his presence at the October 12 conference and requests that he not be ordered to appear.

Thank you for your consideration of this request.

Respectfully submitted,

/s/

Marne L. Lenox
Assistant Federal Defender
(212) 417-8721

cc: Counsel of record

MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Date: October 6, 2023